

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MATTHEW KRUMMES,

Plaintiff,

VS.

SOUTHERN FOODS GROUP, LLC,
et al.,

Defendants.

* * *

2:11-CV-00500-PMP-CWH

ORDER

Having read and considered Defendants General Sales Drivers, Delivery Drivers and Helpers and Public Sector Teamsters Local Union No. 14's fully briefed Motion to Set Aside Default (Doc. #32), and the arguments of counsel presented at the hearing conducted June 21, 2012, and good cause appearing, the Court finds that Defendant's Motion to Set Aside Default (Doc. #32) must be denied.

Specifically, although the Court agrees Defendant's failure to timely respond to Plaintiff's complaint, and also failure to more timely to set aside default, was the product of neglect on the part of Defendant, the Court does not find that neglect to be excusable. More importantly, Plaintiff has demonstrated that he would suffer prejudice with a Default set aside. This is so because Plaintiff negotiated resolution of the remainder of his case with the understanding and expectation that it already secured a Default Judgment against Moving Defendants.

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IT IS THEREFORE ORDERED that .Defendants General Sales Drivers, Delivery Drivers and Helpers and Public Sector Teamsters Local Union No. 14's fully briefed Motion to Set Aside Default (Doc. #32) is **DENIED**.

DATED: June 22, 2012.

Philip M. Orr

PHILIP M. PRO
United States District Judge